



## MINUTES

# CITY OF PACIFIC GROVE PLANNING COMMISSION REGULAR MEETING AGENDA

6:00 p.m., Thursday, September 18, 2014

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.ci.pg.ca.us/pc](http://www.ci.pg.ca.us/pc). Recordings of the meetings are available upon request. Materials can also be requested of staff during the PC hearing. Structures listed on the City's Historic Resources Inventory are denoted on the agenda with an "(HRI)" next to their project address.*

**1. Called to Order - 6:00 p.m.**

**2. Roll Call**

Commissioners Present: Robin Aeschliman, Bill Bluhm (Vice-Chair), Jeanne Byrne, Bill Fredrickson (Chair), Donald Murphy (Secretary), 1 vacancy

Commissioners Absent: Mark Chakwin

**3. Approval of Minutes**

**a. August Regular Meetings**

**update Commissioner Bluhm made a motion to approve the minutes as presented. Commissioner Aeshliman seconded. Motion passed 5-0-1.**

**4. Public Comments**

**a. Oral Communications**

A member of the public spoke in support of creating a lighting ordinance.

**5. Items to be Continued or Withdrawn**

None.

**6. Consent Agenda**

None.

**7. Regular Agenda**

**a. 1152 Forest Ave**

**Permit Application:** Use Permit (UP) 14-221

**Description:** UP No. 14-221 to allow a remodeling of Forest Hill Gas to a Chevron gas station including the addition of a canopy with signage over the existing gas pumps, to convert the existing service bays to a Food Mart (retail) and to allow the off-site sale of beer and wine.

**Applicant/Owner:** Mahesh Konduru/Sturdy Oil Company

**Zoning/Land Use:** C-FH/Commercial

**Legal Description:** POR OF MCLT #1 DESC AS PARCELS 1 & 2 IN R 797 PG 146

**APN:** 006-172-001-000

**CEQA:** Class 1 Categorical Exemption

**Staff Reference:** Laurel O'Halloran, Assistant Planner

Staff gave a brief presentation outlining how the proposal complies with the General Plan, Zoning Code and the Forest Hill Specific plan.

Paul Davis, Architect for the project spoke explained the merits of the project.

Carmelita Garcia spoke against the selling of alcohol

Sally Moore spoke against the selling of alcohol.

Applicant spoke stating that Chevron has stringent requirements for design of their gas stations.

The PC commissioners did not want the picnic table included as a condition. Staff removed the condition.

**Commissioner Byrne made a motion to approve the project as submitted including the findings. Commissioner Murphy seconded. Motion passed 4-1-1.**

**b. 620 Ocean View Blvd., APN: 006-155-099**

Description: Appeal of Administrative Use Permit and Architectural Permit for the expansion of food services within the existing Beach House Restaurant located within Lovers Point Park. The permit will allow a deli style restaurant to open on the first floor of the structure and includes a minor exterior change consisting of only a gas hood on the roof of the building.

CEQA Status: Class 3 Categorical Exemption

Staff Reference: Mark Brodeur, Director

**Recommended Action: Final Approval**

Staff gave a brief presentation.

Appellant Luke Colletti spoke supporting the appeal attached are his comments.

Comments from the public supporting the appeal

Thom Akeman spoke in favor of the Deli but worried about trash and seagulls.

Kevin Phillips, Manager of the Beach House, spoke in favor of the proposed deli.

Planning Commissioner Chair closed the public comment.

Commissioner Byrne spoke in favor of the project that the Deli enhances the beach experience.

Chair Frederickson suggest denying the appeal with conditions. There needs to be a sign stating it is illegal to feed the Sea Gulls and trash enclosures need to be installed.

**Commissioner Byrne made a motion to deny the appeal with the additional findings from Chair Frederickson. Commissioner Aeschliman seconded. Motion passed 5-0-1.**

**8. Acceptance of Minutes from Other Bodies**

- a. ARB – July 22, 2014 and August 12, 2014

**9. Reports of PC Subcommittees**

None.

**10. Reports of PC Members**

**11. Reports of Council Liaison**

**12. Directors report**

**13. Adjourned at 8:45pm**

### Item 3a

First off I want to say I'm glad this issue is before the Planning Commission. Having had this permit approved administratively shows how dangerous the "streamlined" approval process truly is and how rapidly it can degrade the character of our town. So, based on my appeal and the documents I've supplied I'm asking for the following:

1) The Planning Commission needs to decide if this use permit creates a new non-conforming use, I believe it does.

The staff's notion that this is somehow a "conforming use" is a non-starter. (in fact, it's an absurd claim)

2) The Planning Commission needs to be clear that the two existing commercial uses are non-conforming; the general plan and associated LUP were clear about this when they were both adopted. You also need to be clear that just because a commercial use exists it doesn't mean the parcel is or should be zoned that way.

The staff's suggestion of redrawing the zoning map for this coastal parcel is therefore equally absurd.

3) The Planning Commission needs to acknowledge that by approving this use permit the existing conditions of approval for the Beach House (such as the hours of operation) would be nullified.

Staff has omitted any mention of this.

4) The Planning Commission needs to acknowledge that by approving this use permit the terms of the current Coastal Development Waivers would be violated. The only reason the city was able to get a CDP waiver in the first place was by agreeing to the evening service limitation and dedicating the lower floor for services supporting the recreational use of Lover's Point Park. Selling caffeinated beverage is not supporting the recreational use of the park.

Staff has omitted any mention of the CDP Waivers being violated.

Preserving Pacific Grove's coastline was a long hard fought battle and if Julia Platt were here with us, I'm sure she would agree. This is an opportunity for the Planning Commission to affirm that tradition and commitment. Therefore, I request the application be denied. Thank you.